

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : **07 CR. 743 (GEL)**

- v - : -----

**NOEL VELEZ** : STATEMENT OF  
FILING DELAY

Defendant. : -----X

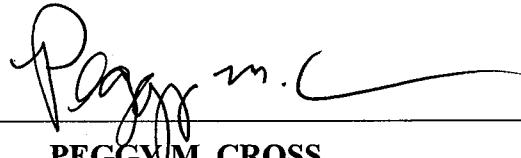
PEGGY M. CROSS, pursuant to Title 28, United States Code, Section 1746, hereby affirms under penalty of perjury:

1. I am the Assistant Federal Defender assigned to represent Noel Velez in the above-captioned case.
2. I was prevented from filing the papers relating to this motion on November 9, 2007, because of an ECF-related technical difficulty. Although the ECF system allowed me to log in, it did not permit me to file any documents.
3. The documents I attempted to file on November 9, 2007, were:
  - A. Notice of Appearance;
  - B. Notice of Motion;
  - C. Motion and Memorandum of Law and exhibits thereto; and
  - D. Declaration of Mr. Velez and exhibit thereto.
4. Pursuant to the instructions on the Court's website, I will electronically file the documents as soon as possible.
5. I caused a true and correct copy of the above-listed documents to be delivered via email to antonia\_apps@usdoj.gov on November 9, 2007.

WHEREFORE, I respectfully request that the Court deem this motion timely filed.

Dated: New York, NY

November 9, 2007



PEGGY M. CROSS